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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ofer Ben Zur
U.S. Serial No.: 10/776,163 Art Unit: 2853
Filed: February 12, 2004 Examiner: Lam S. Nguyen
Title: Digital Printing Machine

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

I, Dr. Itzhak Shalev, a citizen of Israel, say and declare:

1. I was awarded a Bachelor's degree in Textile Chemistry from Shenkar College, Israel and a Ph.D. in Fiber and Polymer Science from North Carolina State University.
2. I have served as Head of the Department of Industrial Chemistry and as Dean of Student Affairs at Shenkar College, as Chairman of the Israel Textile Association, and Visiting Associate Professor at the College of Textiles at NCSU. I presently serve as CEO of ZzaKey Technologies Ltd., a technology transfer company and independent consultancy and have published over 50 papers and patents. I am active in industrial R&D in the fields of high performance fibers, flame retardancy and textile finishing technology.
3. I am familiar with the field of textile printing and with researchers in this field.
4. I have read and understood the relevant portions of the Office Action dated 20th August 2008 and I understand that the Examiner rejected the claims of the application based inter alia on a citation to Loopstra et al (US 6,262,796).
5. It is my view as a researcher in the textile field that a worker considering the problem of better utilization of down time on a textile printing device caused by the need to fold the textile onto the printing plate would not consider the citation Loopstra et al (US 6,262,796), attached hereto as exhibit A, because this citation relates to the field of semiconductor lithography. The issues and problems that arise in semiconductor lithography are far removed from the issues and problems that arise in textile printing. The scales involved in the two fields are far removed from each other, one works in the micron and nanometer scale and the other in the meter scale. The available resources in the two fields are far removed from each other. The working environments in the two fields are far removed from each other. Furthermore, the

training and study for each of the two fields are far removed from each other such that a researcher working in one field would not consider the other field in order to find solutions to problems.

6. Furthermore in the semiconductor field, positioning of the die is carried out by a robot arm using suction, and the die does not require folding, so that a person wishing to solve the problem of a human operator requiring to hold and fold a porous, flexible textile would simply have no reason to suspect that Loopstra, or any other document in the semiconductor lithography field would teach a solution to his problem.

7. I cannot agree with the statement of the Examiner in the advisory action dated 13th January 2009 that

"Loopstra is from the same field of endeavor with that of Iwatsuki in terms of a conveyance mechanism for conveying a medium or substrate for the purpose of printing or processing".

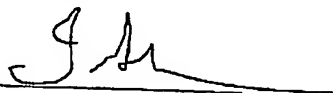
On the contrary, Iwatsuki, is a platen device for holding a workpiece in an ink-jet printer. Loopstra is for receiving dies in semiconductor lithography. The issues and problems that arise in semiconductor lithography are far removed from the issues and problems that arise in ink-jet printing. The scales involved in the two fields are far removed from each other, one works in the micron and nanometer scale and the other in the meter scale. The allowable costs and in the two fields are far removed from each other. The working environments in the two fields are far removed from each other. Semiconductor lithography and textile printing may share the designation "printing" but the technologies utilized are completely different. Furthermore, the training and study for each of the two fields are far removed from each other such that a researcher working in one field would not consider the other field in order to find solutions to problems.

8. In any event, in neither Loopstra nor Iwatsuki does the issue arise of downtime due to the need to fold the textile onto the printing surface. Neither the workpiece of Iwatsuki nor the semiconductor die of Loopstra require folding, both simply being placed on the platen. Thus a person wishing to solve the problem of a human operator requiring to fold the textile would simply have no reason to suspect that either Loopstra in the semiconductor lithography field or Iwatsuki in the ink-jet field would teach a solution to his problem.

9. I declare that all the statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present application or of any patent issuing thereon.

Date 20 February 2009

Dr Itzhak Shalev

A handwritten signature in dark ink, appearing to be 'I Sh', written over a horizontal line.